

CGB-CC-1118

Received & Inspected

MAY 17 2011

FCC Mail Room

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:

Heritage Christian Center of Valencia
Michele Leonard
PO Box 9698
Rancho Santa Fe, CA 92067

Petition for Exemption
from Closed Captioning Requirements

CGB-CC-_____

To: The Secretary

PETITION FOR EXEMPTION FROM CLOSED CAPTIONING REQUIREMENTS

Heritage Christian Center of Valencia("HCCV"), pursuant to Section 79.1(f) of the Commission's Rules, hereby petitions for an "undue burden" exemption from the closed captioning requirements of § 79.1(b)(1) of the Commission's Rules pertaining to "new" English-language programming, if, given other exemptions applicable to HCCV, such undue burden exemption is deemed necessary. In support thereof, HCCV states as follows.

HCCV is a "video programming provider," as defined in Section 79.1(a)(3) of the Commission's Rules. HCCV produces "Heritage Christian Center LIVE" a program featuring a local pastor and its church service.

While HCCV desires to include the hearing impaired in its audiences as soon as practicable, at the present time, HCCV 's limited resources are exhausted by programming production and distribution costs, and HCCV is not in a financial position to provide captioning services. HCCV currently qualifies for the "revenues under \$3,000,000" exemption for video programming providers contained in Section 79.1(d)(12) of the Commission's Rules. As

recognized by the Commission in establishing this exemption, closed captioning costs impose too great a financial burden on video program providers with revenues under \$3,000,000.¹

In addition, HCCV submits that it may be entitled to an exemption under Section 79.1(d)(8) of the Commission's rules dealing with locally produced and distributed non-news programming with no repeat value.

Finally, HCCV wishes to confirm that there are no resources to support the closed captioning of these programs. These video productions are a labor of love, not a means to make a profit on HCCV's part. Simply said, religious programming does not rank high in the public's eye. This is a small demographic segment and one that does not provide a basis for advertisers or broadcasters to support HCCV. At bottom, HCCV cannot produce these programs and close caption in the absence of a revenue stream, which HCCV.

Notwithstanding HCCV's qualification for the above-stated exemption, out of an abundance of caution, HCCV requests an undue burden exemption under Section 79.1(f) of the Commission's Rules. As demonstrated above, the requirement to close-caption HCCV imposes significant costs on HCCV that HCCV is not currently in a financial position to meet.

Accordingly, HCCV should be granted an exemption from closed captioning requirements based on the undue burden captioning costs would impose on HCCV.

¹ HCCV is aware of the expenses of closed captioning. Computer Prompting & Captioning Co. ("CPC") of Rockville, Maryland quotes the following costs for software HCCV would need for post-production captioning: \$4,995 for Mac Caption DV and \$6,895 for CPC700 NL and C-Captioned NLE. For real-time captioning, HCCV would have to acquire an encoder with modem for approximately \$3,300. If HCCV wished to use CPC's post-production captioning services, the cost would be \$150 set-up and \$7 per minute. If HCCV wished to use CPC's real-time captioning services, the cost would be \$100 for set-up and at least \$35 per 15 minute segment. See www.cpcweb.com. This investment is especially burdensome to HCCV as HCCV provides a limited amount of programming and would have to allocate its capital investment to this limited programming.

WHEREFORE, for the reasons stated above, and pursuant to Section 79.1(f) of the Commission's Rules, Heritage Christian Center of Valencia requests an exemption based on undue burden from the Commission's "new" English-language programming closed captioning requirements.

Respectfully submitted,

Heritage Christian Center of Valencia
Attn: Michele Leonard
PO Box 9698
Rancho Santa Fe, CA 92067

May 13, 2011

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GENERAL AFFIDAVIT

STATE OF California

COUNTY OF San Diego


PERSONALLY came and appeared before me, the undersigned Notary, the within
named Michele Leonard

who is a resident of San Diego County, State of California

and makes this his/her statement and General Affidavit upon oath and affirmation
of belief and personal knowledge that the following matters, facts and things set
forth are true and correct to the best of his/her knowledge:

(Petition for Exemption from Closed Captioning Requirements)

DATED this the 16th day of May, 2011



Signature of Affiant

SWORN to subscribed before me, this 16 day of MAY 2011



NOTARY PUBLIC

My Commission Expires:

Sep 25, 2011

